

IT IS ORDERED

Date Entered on Docket: December 4, 2019



The Honorable David T. Thuma  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re: )  
ALAMO BUS COMPANY, INC., )  
Debtor. )

Case No.: 11-19-11568-TA

**STIPULATED ORDER GRANTING BMO HARRIS BANK N.A. RELIEF FROM  
AUTOMATIC STAY AND ABANDONMENT OF PROPERTY**

This matter came before the Court on the Motion for Relief from Automatic Stay for the Abandonment of Property filed on August 27, 2019, (DOC 32) (the “Motion”) by BMO Harris Bank N.A. (the “Bank”). The Court, having reviewed the record and the Motion, and being otherwise sufficiently informed, FINDS:

(a) On August 27, 2019, Bank served the Motion and a notice of the Motion (the “Notice”) on Chris W Pierce, Attorney for Debtor, by use of the Court’s case management and electronic filing system for the transmission of notices, as authorized by Fed.R.Civ.P. 5(b)(3) and NM LBR 9036-1, and on the Alamo Bus Company, Inc., A New Mexico Corporation, by United States first class mail, in accordance with Bankruptcy Rules 7004 and 9014.

(b) The Motion relates to the following vehicles (including any attachments, accessions, substitutions, or replacement parts)(hereinafter, the “Collateral”):

Agreement	Year	Make	Model	Description	VIN
First	2018	International	3000-Series	School Bus	4DRBUC8N3JB522380
	2018	International	3000-Series	School Bus	4DRBUC8N5JB522378
	2018	International	3000-Series	School Bus	4DRBUC8N5JB522381
	2018	International	3000-Series	School Bus	4DRBUC8N7JB522379
Second	2018	International	3000-Series	School Bus	4DRBUC8N3JB151480
	2018	International	3000-Series	School Bus	4DRBUC8N5JB151481
Third	2019	International	INGB Series	School Bus	4DRBUC8N2KB361117
	2019	International	INGB Series	School Bus	4DRBUC8N4KB350104
	2019	International	INGB Series	School Bus	4DRBUC8N6KB350105
Fourth	2020	International	CE	School Bus	4DRBUC8N2LB317801
	2020	International	CE	School Bus	4DRBUC8N8LB059123
Fifth	2020	International	INGB Series	School Bus	4DRBUC8N1LB828061

(c) The Notice provided for an objection deadline of 21 days from the date of service of the Notice, to which three days was added pursuant to Bankruptcy Rule 9006(f);

(d) The Notice was sufficient in form and content;

(e) The objection deadline expired on September 20, 2019;

(f) On September 17, 2019, Debtor filed a response to the Motion (“Response”) (Doc 34);

(g) No other party in interest filed a response to the Motion;

(g) The Motion is well taken and should be granted as provided herein

(h) Debtor agrees to the relief requested; and

(i) By submitting this Order to the Court for entry, the undersigned counsel for Creditor certifies under penalty of perjury that, on the date this Order was presented Rose L. Brand & Associates, P.C. searched the data banks of the Department of Defense Manpower Data Center (“DMDC”), and found that the DMDC does not possess any information indicating that the Debtor is currently on active military duty of the United States.

IT IS THEREFORE ORDERED:

1. Pursuant to 11 U.S.C. §362(d), the Bank and any and all holders of liens against the Collateral, of any lien priority, are hereby granted relief from the automatic stay to exercise its non-bankruptcy rights and remedies with respect to the Collateral. The automatic stay remains in effect unmodified with respect to the collection of any deficiency after sale of the Collateral, or any other amounts claimed to be owed by Debtor to the Bank.

2. The Collateral is abandoned from the estate pursuant to 11 U.S.C. §554 as of the date of entry of this Order, and the Collateral therefore no longer is property of the estate. As a result, Creditor need not name the estate as a defendant in any state court action it may pursue to foreclosure liens against the Collateral and need not notify the Court of any sale of the Collateral.

3. Debtor will grant the Bank access to where the Collateral is located.

4. This order is effective and enforceable upon entry. The 14-day stay requirement of Fed.R.Bankr.P. 4001(a)(3) is waived.

XXX END OF ORDER XXX

RESPECTFULLY SUBMITTED:

ROSE L. BRAND & ASSOCIATES, P.C.

By /s/ Andrew P. Yarrington

ANDREW YARRINGTON

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APPROVED BY:

WALKER & ASSOCIATES, P.C.

By Approved via email 11.27.2019

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Copied to:

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New Mexico Corporation

Debtor

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